IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 21121 of 2000

Between:

1. R. Subramanyam
2. K. Viswanadham
3. S.Lingaiah
4. A. Anandam

All are residents of H.No.18-3-614/7,Santinagar,

Kadhi Colony, Tirupathi)

..... PETITIONERS

AND

1. Tirumala Tirupathi Devasthanam, rep.by its Executive Officer, Tirupati,Chittoor District.
2. The Estate Officer, Tirumala Tirupathi Devasthanam, Tirupati.
3. The General Manager, Tirumala Tirupathi Devasthanam,Tirupati.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the action of the respondents in not allotting the House site plots to the petitioners as wholly illegal, arbitrary and unjust and consequently direct the respondents to allot the House site plots to the petitioners as per the scheme “Own your House Scheme” ;

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondent No.: MR.M.ADINARAYANA RAJU

The Court made the following :

ORAL ORDER:

The petitioners seek to issue a writ of mandamus declaring the action of the respondents in not allotting the house site plots to them as illegal, arbitrary and to direct the respondents 1 & 2 to allot house site plots to them as per the scheme "Own Your House Scheme".

2. The petitioners were initially appointed in the transport department of Tirumala Tirupati Devasthanams(TTD), Tirupati. Pursuant to an agreement entered in between TTD and the Andhra Pradesh State Road Transport Corporation (APSRTC), the transport department of TTD was taken over by the A.P.S.R.T.C along with its buses and its employees including the petitioners in terms of the conditions laid down under Section 25 F of Industrial Disputes Act on 8th August 1975 and since then all such employees have become the employees of the APSRTC. The petitioners also originally appointed in TTD and their services have been transferred along with others to the APSRTC. Thereafter, on the representation of certain transport workers, the Government issued G.O.Ms.No. 568, Revenue (ENDTS. III) Department, dated 23-6-1993 granting permission to take back 21 senior drivers from the APSRTC from among the 520 erstwhile TTD transport workers who were transferred to RTC and were still in service. It is stated that the four writ petitioners are also from among the 21 senior drivers whose request has been considered to take back by the TTD from APSRTC. It is stated that the petitioners and others have given an undertaking that they will become junior most in the TTD transport department and will not claim any of their previous service seniority except for getting their retiremental benefits like pension, gratuity etc., and they are deemed to have been joined in TTD service on the date of their joining in

TTD after the retransfer. The petitioners have repatriated to TTD, Tirupati and rejoined in the TTD transport department. The first petitioner was repatriated on 16-3-1996 and petitioners 2 to 4 were repatriated to the TTD on 1-4-1996. It is also stated that the petitioners have made a representation before the respondents herein that originally they are the erstwhile transport workers of the TTD and pursuant to their transfer to APSRTC on 10-8-1978 they could not apply for the allotment of plots in the TTD and after repatriation they have made an application for allotment of house sites.

3. It is stated that the similarly situate persons, who were also from among the 21 senior drivers, made an application for the allotment of house sites and the Executive Officer, TTD vide proceedings dt. 5-7-1995 in ROC No. Rev.3/15970/95 have informed them that their request for allotment of house sites will be considered at an appropriate time as per rules. But, later on, the said requests have been negatived and therefore they have filed Writ Petition No. 19454 of 1999 and this Court directed the respondents to supply the application forms for allotment of house sites. Accordingly, they have applied and their applications are pending consideration for the allotment of house sites. It is stated that the said writ petition was disposed of on 30-7-2004.

4. Learned counsel for the petitioners submitted that the petitioners are also entitled for the similar relief.

5. Having regard to the facts and circumstances of the case, the respondents are directed to consider the application of the writ petitioners for the allotment of the house site plots taking into consideration of their service seniority from the dates of the petitioners repatriation in to TTD ie., first petitioner from 16-3-96 and petitioners 2 to 4 from 1-4-1996 and pass appropriate orders in accordance with law.

6. Writ petition is accordingly disposed of. No costs.

03-08-2004

Kvrk

ASSISTANT REGISTRAR

To

1. The Executive Officer Tirumala Tirupathi Devasthanam, , Tirupati,Chittoor District.

2. The Estate Officer, Tirumala Tirupathi Devasthanam, Tirupati.

3. The General Manager, Tirumala Tirupathi Devasthanam,Tirupati.

4. Two CD copies.